

HIGH COURT OF CHHATTISGARH, BILASPUR**REVP No. 71 of 2020**

1. Ram Sajiwan (Died Through LRs) Nil

1.1 - (A) Ramesh Kumar Gupta S/o Late Shri Ram Sajeevan Aged About 60 Years R/o Sanjay Ward Near Marwardi Kuwa, Bhatapara, Tahsil Bhatapara, District- Balodabazar -Bhatapara, Chhattisgarh

1.2 - (B) Suresh Kumar Gupta S/o Late Shri Ram Sajeevan Aged About 56 Years R/o Sanjay Ward Near Marwardi Kuwa, Bhatapara, Tahsil Bhatapara, District- Balodabazar- Bhatapara, Chhattisgarh

1.3 - (C) Dinesh Kumar Gupta S/o Late Shri Ram Sajeevan Aged About 51 Years R/o Sanjay Ward Near Marwardi Kuwa, Bhatapara, Tahsil Bhatapara, District- Balodabazar- Bhatapara, Chhattisgarh

1.4 - (D) Mukesh Kumar Gupta S/o Late Shri Ram Sajeevan Aged About 49 Years R/o Sanjay Ward Near Marwardi Kuwa, Bhatapara, Tahsil Bhatapara, District- Balodabazar -Bhatapara, Chhattisgarh

1.5 - (E) Smt. Manorama Gupta D/o Late Shri Ram Sajeevan Aged About 62 Years W/o Shri Rishi Kumar Gupta, R/o Ganga Chowk, Baniya Para, Raigarh, District : Raigarh, Chhattisgarh

1.6 - (F) Smt. Rama Gupta D/o Late Shri Ram Sajeevan Aged About 58 Years W/o Shri Raj Kumar Gupta, R/o Bilaspur Road, Kargi Road Kota, District Bilaspur, Chhattisgarh

1.7 - (G) Smt. Sartia Gupta D/o Late Shri Ram Sajeevan Aged About 54 Years W/o Shri Dinesh Gupta, R/o Lallu Ram Colony, Transport Nagar, Korba, District : Korba, Chhattisgarh

2. Ishwarlal (Dead) Through Lrs Nil

2.1 - Smt. Sadhna Gupta W/o Late Ishwarlal Gupta Aged About 65 Years R/o Nagpur, Maharashtra

2.2 - Smt. Shradha Gupta Aged About 28 Years Nagpur, Maharashtra

2.3 - Ku. Namita Gupta D/o Late Ishwarlal Gupta Aged About 22 Years Nagpur, Maharashtra

2.4 - Ku. Khushi Gupta D/o Late Vivek Gupta Aged About 6 Years C/o Smt. Sadhana Gupta, Nagpur, Maharashtra

2.5 - Ku. Pallavi Gupta D/o Late Ishwarlal Gupta Aged About 20 Years Nagpur, Maharashtra

---- Petitioners

Versus

1. Smt. Shanti Bai W/o Peelu Beldar Aged About 40 Years R/o Nehru Ward Bhatapara, Tahsil Balodabazar, District Raipur, Madhya Pradesh, Now Chhattisgarh, District : Raipur, Chhattisgarh

2. Gulabchand Golchha S/o Dahichand Golchha Aged About 45 Years R/o

Nehru Ward Bhatapara, Tahsil Balodabazar, District Raipur, Madhya Pradesh,
Now Chhattisgarh, District : Raipur, Chhattisgarh

3. Sukhi Bail Dead (Deleted) Nil

4. Purushottamdas (Dead) Through LRs Nil

- 4. - A. Deleted Smt. Asha Devi as per Hon'ble Court order dated 03.04.2017.
- 4. - B. Ramesh Kumar S/o Late Purushottam Das Aged About 45 Years
- 4. - C. Mahesh Kumar S/o Late Purushottam Das Aged About 42 Years
- 4. - D. Suresh Kumar S/o Late Purushottam Das Aged About 40 Years
- 4. - E. Rajesh Kumar S/o Late Purushottam Das Aged About 37 Years
- 4. - F. Vijay Kumar S/o Late Purushottam Das Aged About 33 Years

5. Hetram Soni (Dead) Through Lrs Nil

- 5.2 - Tejpal Soni S/o Late Hetram Soni Aged About 55 Years R/o Sanjay Ward, Bhatapara, District- Raipur, Chhattisgarh.
- 5.3 - Goverdhan Soni S/o Late Hetram Soni Aged About 42 Years R/o Sanjay Ward, Bhatapara, District- Raipur, Chhattisgarh.
- 5.4 - Ghanshyam Soni S/o Late Hetram Soni Aged About 40 Years R/o Sanjay Ward, Bhatapara, District- Raipur, Chhattisgarh.
- 5.5 - Giridhari Soni S/o Late Hetram Soni Aged About 35 Years R/o Sanjay Ward, Bhatapara, District- Raipur, Chhattisgarh.

6. Ram Dulari Bai W/o Jawaharlal Gupta Aged About 43 Years R/o Near Bajrang Mandir, Juna Bilaspur, Madhya Pradesh Now Chhattisgarh

7. Smt. Shyam Bai (Dead) Through Lrs Nil

7.- A. (Deleted) Shiv Kumar Gupta as per Hon'ble Court order dated 13.05.2019.

7.i. Vijay Kumar Gupta S/o Late Shri Ganesh Prasad Gupta, Aged about 62 years, R/o village- Malhaar, Ganesh Kirana Store, Main Road, Malhaar P.S. Masturi, District- Bilaspur, Chhattisgarh.

7.ii. Ajay Kumar Gupta S/o Late Shri Ganesh Prasad Gupta, aged about 45 years, R/o village- Malhaar, Ganesh Kirana Store, Main Road, Malhaar P.S. Masturi, District- Bilaspur, Chhattisgarh.

8. Ku. Savitri Bai D/o Late Shri Mahavir Prasad Gupta Aged About 33 Years R/o Nehru Ward, Tahsil Bhatapara, District Raipur, Madhya Pradesh Now Chhattisgarh, District : Raipur, Chhattisgarh

9. Smt. Suman Gupta Aged About 36 Years, R/o Nehru Ward, Bhatapara, District Raipur, Madhya Pradesh Now Chhattisgarh, District Raipur, Chhattisgarh

---- Respondents

MCC No. 500 of 2020

1. Ramesh Kumar S/o Late Purushottam Das, Aged About 45 Years R/o Nehru Ward, Tahsil Baloda Bazar, District Raipur (M.P.) Now Baloda Bazar Bhatapara, Chhattisgarh
2. Mahesh Kumar, S/o Late Purushottam Das, Aged About 42 Years R/o Nehru Ward, Tahsil Baloda Bazar, District Raipur (M.P.) Now Baloda Bazar Bhatapara, Chhattisgarh
3. Suresh Kumar, S/o Late Purushottam Das, Aged About 40 Years R/o Nehru

Ward, Tahsil Baloda Bazar, District Raipur (M.P.) Now Baloda Bazar
Bhatapara, Chhattisgarh

4. Rajesh Kumar, S/o Late Purushottam Das, Aged About 37 Years R/o Nehru Ward, Tahsil Baloda Bazar, District Raipur (M.P.) Now Baloda Bazar Bhatapara, Chhattisgarh

---- Applicants

Versus

1. Ramsajiwan (Dead) Through Lrs. Nil

1.1 - (A) Ramesh Kumar Gupta S/o Late Shri Ram Sajeevan, Aged About 60 Years R/o Sanjay Ward, Near Marwadi Kuwa, Bhatapara, Tehsil Bhatapara, District : Balodabazar-Bhatapara, Chhattisgarh

1.2 - (B) Suresh Kumar Gupta, S/o Late Shri Ram Sajeevan, Aged About 56 Years R/o Sanjay Ward, Near Marwadi Kuwa, Bhatapara, Tehsil Bhatapara, District : Balodabazar-Bhatapara, Chhattisgarh

1.3 - (C) Dinesh Kumar Gupta, S/o Late Shri Ram Sajeevan, Aged About 51 Years R/o Sanjay Ward, Near Marwadi Kuwa, Bhatapara, Tehsil Bhatapara, District : Balodabazar-Bhatapara, Chhattisgarh

1.4 - (D) Mukesh Kumar Gupta, S/o Late Shri Ram Sajeevan, Aged About 49 Years R/o Sanjay Ward, Near Marwadi Kuwa, Bhatapara, Tehsil Bhatapara, District : Balodabazar-Bhatapara, Chhattisgarh

1.5 - (E) Smt. Manorama Gupta, D/o Late Shri Ram Sajeevan, W/o Shri Rishi Kumar Gupta, Aged About 62 Years R/o Ganga Chowk, Baniya Para, Raigarh, District : Raigarh, Chhattisgarh

1.6 - (F) Smt. Rama Gupta, D/o Late Shri Ram Sajeevan, W/o Shri Raj Kumar Gupta, Aged About 58 Years R/o Bilaspur Road, Kargi Road Kota, District : Bilaspur, Chhattisgarh

1.7 - (G) Smt. Sarita Gupta, D/o Late Shri Ram Sajeevan, W/o Shri Dinesh Gupta, Aged About 54 Years R/o Lallu Ram Colony, Transport Nagar, Korba, District : Korba, Chhattisgarh

2. Ishwarlal Dead Through Lrs Nil

2.1 - Smt. Sadhna Gupta, W/o Late Ishwarlal Gupta, Aged About 65 Years

2.2 - Smt. Shradha Gupta, Aged About 28 Years

2.3 - Ku. Namita Gupta, D/o Late Ishwarlal Gupta, Aged About 22 Years

2.4 - Ku. Khushi Gupta, D/o Late Vivek Gupta, Aged About 6 Years

2.5 - Ku. Pallavi Gupta, D/o Late Ishwarlal Gupta, Aged About 20 Years

3. Smt. Shanti Bai, W/o Peelu Beldar, Aged About 40 Years R/o Nehru Ward, Bhatapara, Tahsil Baloda Bazar, District Raipur M.P. Now Chhattisgarh, District Raipur Chhattisgarh, Now District : Balodabazar-Bhatapara, Chhattisgarh

4. Gulabchand Golchha, S/o Dahichand Golchha, Aged About 45 Years R/o Nehru Ward, Bhatapara, Tahsil Balodabazar, District Raipur M.P. Now Chhattisgarh, District Raipur Chhattisgarh, Now District Balodabazar Bhatapara, Chhattisgarh

5. Sukhi Bai Dead Deleted

6. Purushottamdas Dead Through Lrs

6.1 - (A) Deleted Smt. Asha Devi as per Hon'ble Court order dated 03.04.2017

6.2 - (B) Vijay Kumar, S/o Late Purushottam Das, Aged About 33 Years, Nehru Ward, Tahsil Baloda Bazar, District- Raipur (M.P.) now Baloda Bazar Bhatapara, Chhattisgarh

7. Hetram Soni Dead Through Lrs-

7.1 - Tejpal Soni, S/o Late Hetram Soni, Aged About 55 Years

7.2 - Goverdhan Soni, S/o Late Hetram Soni, Aged About 42 Years

7.3 - Ghanshyam Soni, S/o Late Hetram Soni, Aged About 40 Years

7.4 - Girdhari Soni S/o Late Hetram Soni, Aged About 35 Years

8. Ram Dulari Bai, W/o Jawaharlal Gupta, Aged About 43 Years R/o Near Bajrang Mandir, Juna Bilaspur M.P. Now Chhattisgarh.....Legal Representative Of Deceased Plaintiff No. 3 Ramkali Bai, District : Bilaspur, Chhattisgarh

9. Smt. Shyam Bai Dead Through Lrs

9.- (A) (Deleted) Shiv Kumar Gupta

9 (i) Vijay Kumar Gupta, S/o Late Shri Ganesh Prasad Gupta, aged about 62 years R/o Village Malhaar, Ganesh Kirana Store, Main Road, Malhaar P.S. Masturi, District- Bilaspur, C.G.

9 (ii) Ajay Kumar Gupta S/o Late Shri Ganesh Prasad Gupta, aged about 45 years, R/o Village Malhaar, Ganesh Kirana Store, Main Road, Malhaar P.S. Masturi, District- Bilaspur, C.G.

10. Ku. Savitri Bai, D/o Late Mahavir Prasad Gupta, Aged About 33 Years R/o Nehru Ward, Tah. Bhatapara, District Raipur M.P. Now Chhattisgarh, District Raipur Chhattisgarh, Now Balodabazar Bhatapara (Chhattisgarh)

11. Smt. Suman Gupta, Aged About 36 Years R/o Nehru Ward, Bhatapara, District Raipur M.P. Now Chhattisgarh, District Raipur Chhattisgarh, Now Balodabazar Bhatapara (Chhattisgarh)

---- Respondents

REVP No. 140 of 2021

- Gulabchand Golchha S/o Dahichand Golchha Aged About 84 Years R/o Sanjay Ward, Sadar Bazar, Bhatapara District : Balodabazar-Bhatapara, Chhattisgarh

---- Petitioner

Versus

1. Ram Sajiwan (Died) Through Lrs

1.1 (A) Ramesh Kumar Gupta S/o Late Shri Ram Sajeevan Aged About 60 Years R/o Sanjay Ward Near Marwadi Kuwa, Bhatapara, Tehsil Bhatapara, District : Balodabazar-Bhatapara, Chhattisgarh

1.2 - (B). Suresh Kumar Gupta S/o Late Shri Ram Sajeevan Aged About 56 Years R/o Sanjay Ward Near Marwadi Kuwa, Bhatapara Tehsil Bhatapara, District : Balodabazar-Bhatapara, Chhattisgarh

1.3 - (C). Dinesh Kumar Gupta S/o Late Shri Ram Sajeevan Aged About 51 Years R/o Sanjay Ward Near Marwadi Kuwa, Bhatapara, Tehsil Bhatapara, District : Balodabazar-Bhatapara, Chhattisgarh

1.4 - (D). Mukesh Kumar Gupta S/o Late Shri Ram Sajeevan Aged About 49 Years R/o Sanjay Ward Near Marwadi Kuwa, Bhatapara, Tehsil Bhatapara, District Balodabazar Bhatapara Chhattisgarh

1.5 - (E). Smt. Manorama Gupta D/o Late Shri Ram Sajeevan Aged About 62 Years W/o Shri Rishi Kumar Gupta, R/o Ganga Chowk, Baniya Para, Raigarh, District : Raigarh, Chhattisgarh

1.6 - (F). Smt. Rama Gupta D/o Late Shri Ram Sajeevan Aged About 58 Years W/o Shri Raj Kumar Gupta, R/o Bilaspur Road, Kargi Road Kota, District : Bilaspur, Chhattisgarh

1.7 - (G). Smt. Sarita Gupta D/o Late Shri Ram Sajeevan Aged About 54 Years
W/o Shri Dinesh Gupta, R/o Lallu Ram Colony, Transport Nagar, Korba,
District : Korba, Chhattisgarh

2. Ishwarlal (Dead) Through Lrs. Nil, District : Nagpur, Maharashtra

2.1 - Smt. Sadhna Gupta W/o Late Ishwarlal Gupta Aged About 65 Years

2.2 - Smt. Shradha Gupta Aged About 28 Years

2.3 - Ku. Namita Gupta D/o Late Ishwarlal Gupta Aged About 22 Years

2.4 - Ku. Khushi Gupta D/o Late Vivek Gupta Aged About 6 Years

2.5 - Ku. Pallavi Gupta D/o Late Ishwarlal Gupta Aged About 20 Years

3. Smt. Shanti Bai W/o Peelu Beldar Aged About 40 Years R/o Nehru Ward
Bhatapara, Tahsil Balodabazar, District Raipur M.P. Now Chhattisgarh,
District : Raipur, Chhattisgarh

Sukhi Bai Died- Deleted

4. Purushottamdas (Dead) Through Lrs. Nil

4.1 - (A). Deleted Smt. Asha Devi

4.2 - (B). Ramesh Kumar S/o Late Purushottam Das Aged About 45 Years

4.3 - (C). Mahesh Kumar S/o Late Purushottam Das Aged About 42 Years

4.4 - (D). Suresh Kumar S/o Late Purushottam Das Aged About 40 Years

4.5 - (E). Rajesh Kumar S/o Late Purushottam Das Aged About 37 Years

4.6 - (F). Vijay Kumar S/o Late Purushottam Das Aged About 33 Years

respondents No.4 (B) to 4 (F) are R/o Nehru Ward, Tah. Baloda-Bazar,
District- Raipur now District- Baloda Bazar-Bhatapara, C.G.

5. Hetram Soni (Dead) Through Lrs. Nil

5.2 - Tejpal Soni S/o Late Hetram Soni Aged About 55 Years

5.3 - Goverdhan Soni S/o Late Hetram Soni Aged About 42 Years

5.4 - Ghanshyam Soni S/o Late Hetram Soni Aged About 40 Years

5.5 - Giridhari Soni S/o Late Hetram Soni Aged About 35 Years

6. Ram Dulari Bai W/o Jawaharlal Gupta Aged About 43 Years R/o Near
Bajrang Mandir, Juna Bilaspur M.P. Now Chhattisgarh District : Bilaspur,
Chhattisgarh

7. Smt. Shyam Bai Dead Through Lrs. Nil

7.1 - (A). (Deleted) Shiv Kumar Gupta

7.2 - (i). Vijay Kumar Gupta S/o Late Shri Ganesh Prasad Gupta Aged About
62 Years

7.3 - (ii). Ajay Kumar Gupta S/o Late Shri Ganesh Prasad Gupta Aged About
45 Years

8. Ku. Savitri Bai D/o Late Shri Mahavir Prasad Gupta Aged About 33 Years
R/o Nehru Ward, Tahsil Bhatapara, District Raipur M.P. Now Chhattisgarh,
District : Raipur, Chhattisgarh

9. Smt. Suman Gupta Aged About 36 Years R/o Nehru Ward, Bhatapara,
District Raipur, M.P. Now Chhattisgarh, District Raipur Chhattisgarh

---- Respondents

| | | |
|---------------------------------------|---|--|
| For Petitioner in REVP/71/2020 | : | Mr. Akash Pandey, Advocate. |
| For Applicant in MCC//500/2020 | : | Mr. H.B. Agrawal, Senior Advocate along with Mr. Pankaj Agrawal, Advocate. |
| For Petitioner in REVP/140/2021 | : | Mr. Varun Sharma, Advocate. |
| For Respondent No.1 in REVP/71/2020 | : | Mr. Manoj Kumar Sinha, Adv. |
| For Respondent No.2 in MCC//500/2020: | : | Mr. Vivek Tripathi, Advocate. |

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****30/09/2021**

1. Heard on application (I.A. No.01) for condonation of delay in filing REVP No.71 of 2020.
2. The application (I.A. No.01) is considered and allowed.
3. Delay is accordingly condoned.
4. Out of aforesaid three applications, application of Ram Sajiwan and Ramesh Kumar deals only with certain typographical corrections in paragraph 10 & 14.
5. In paragraph 10 of the order, in the 8th line, in place of 'respondent', it shall be read in substitution as 'plaintiff'.
6. In paragraph 14 of the order, wherever word 'amendment' has been typed, it shall be read in substitution as 'abatement'.
7. The basis for seeking review of the order at the behest of the review petitioner- Gulabchand Golchha in REVP No.140 of 2021 is that the finding of the Court that death of Purushottam Das and Sukhi Bai would result in complete abatement proceeded on assumption that legal representatives of Sukhi Bai are not on record whereas Gulabchand Golchha happens to be the legal representative of deceased Sukhi Bai.
8. The submission, appears to be more in the nature of appeal in disguise. The effect of death of not only Sukhi Bai but also of Purushottam Das has been taken into consideration by this Court and upon consideration of the facts and legal position applicable, a conclusion has been reached that the appeal will abate as a whole. Therefore, no case is made out for review.
9. In the result, REVP No.71 of 2020 and MCC No.500 of 2020 are disposed off with appropriate clarification and REVP No.140 of 2021 is dismissed.

Sd/-**(Manindra Mohan Shrivastava)
Judge**